UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE	4300.8 Revision 1	8/21/14

RECRUITMENT, RELOCATION, AND RETENTION INCENTIVES

CHAPTER 1 - INTRODUCTION

I. PURPOSE

This directive describes incentives that FSIS uses to recruit applicants for positions or retain or relocate employees in positions that may be difficult to fill with high-quality candidates. This directive has been revised to update roles and responsibilities in the approval process for recruitment, relocation, and retention incentives.

KEY POINTS:

- *Recruitment incentives assist FSIS in recruiting new employees for hard-to-fill positions and positions where there are shortages of employees*
- *FSIS may pay relocation incentives to individuals who are current Federal employees who relocate to accept hard-to-fill positions or positions where there are shortages of potential employees*
- *FSIS may pay individual retention incentives when there is a determination that an employee has unusually high or unique qualifications that make it essential to retain the employee*
- *The FSIS Administrator approves all final recruitment, relocation, and retention incentives requests before they are forwarded to the Director, Office of Human Resources Management (OHRM*

II. CANCELLATION

FSIS Directive 4300.8, Recruitment, Relocation, and Retention Incentives, 2/18/11

III. BACKGROUND

A. In accordance with 5 CFR Part 575, *Recruitment and Relocation Incentives; Retention Incentives; Supervisory Differentials,* FSIS may authorize payment of recruitment incentives of up to 25 percent of the annual rate of basic pay to newly appointed employees, provided the FSIS Administrator determines that, in the absence of such an incentive, FSIS would encounter difficulty in filling the position. In addition, FSIS may pursue payment of retention incentives of up to 25 percent of the annual rate of basic pay to a current employee if his or her unique qualifications make it essential to retain that employee, and he or she would otherwise leave Federal service. 5 CFR Part 595, *Physicians' Comparability Allowances* also authorizes FSIS to pay special allowances to enhance the recruitment and retention of physicians.

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B. Previously, the approval process for recruitment, relocation, and retention incentives was solely the responsibility of the FSIS Office of Human Resources (OHR). However, because of various organizational changes within FSIS, the Administrator will make all final decisions at the mission area level for recruitment, relocation, and retention incentives. If the Administrator approves the request, it will be sent to the Department (Office of Human Resources Management (OHRM)) for final approval. This directive outlines the eligibility requirements for such incentives and provides instructions on how requests for incentives are to be handled in FSIS.

C. Department eligibility requirements for recruitment, relocation, and retention incentives for Senior Executive Service (SES), Senior Level (SL), scientific, or professional positions, and positions appointed by the President with or without consent by the Senate may be found in Department Manual, 4050-575-001, *Pay Administration-Recruitment, Relocation, and Retention Incentives*.

CHAPTER 2 - RECRUITMENT AND RELOCATION INCENTIVES

I. GENERAL

A. Recruitment incentives help FSIS recruit new employees into hard-to-fill positions and positions in which there is a shortage of employees or in locations where there is a shortage of candidates. The requesting program official is to assess the need for incentives. Hard-to-fill positions are those that are likely to be difficult to fill without using a hiring incentive based on previous unsuccessful attempts to hire or retain employees in the position. Shortage locations are duty stations with a shortage of candidates despite numerous job advertisements and attempts to fill positions.

B. FSIS may pay relocation incentives to FSIS employees who relocate to accept a position in a different commuting area that is hard-to-fill or in a shortage location. A commuting area is the geographic area that is normally considered for employment purposes and includes the localities where people live and can reasonably be expected to travel back and forth to work daily.

II. CRITERIA

A. FSIS bases payment of recruitment or relocation incentives on a written determination made before the employee enters on duty to the position. OHR makes this determination before or when the vacancy is announced.

B. The Administrator considers the following factors in determining whether a recruitment or relocation incentive is to be paid and in determining the amount of the recruitment or relocation incentive:

1. Availability and quality of candidates possessing the required competencies for the position, the relative success of recent recruitment efforts for highly qualified candidates for similar positions, offer acceptance rates, the percentage of positions filled, and the length of time required to fill similar positions;

2. Recent turnover in similar positions;

3. Labor-market factors that can affect FSIS's ability to recruit highly qualified internal or external candidates for similar positions now or in the future such as:

    a. Salary ranges of comparable positions;

    b. Scarcity of skills in the geographical area; and

c. Emerging technology (e.g., competitive IT work, knowledge of new statistical systems).

4. Practicality of using a superior qualifications appointment authority (See Chapter V.) alone or in combination with a recruitment incentive;

5. Funding availability;

6. Positive and negative impacts on the morale of employees within the program area or office where the recruitment and relocation incentives are offered;

7. Desirability of the position's duties, work, organizational environment, or geographic location, in such terms as:

    a. Remoteness;

    b. Cost of living; and

    c. Community amenities.

8. Efforts to use non-pay authorities (e.g., special training and work scheduling flexibilities) to resolve difficulties alone or in combination with a recruitment incentive;

9. Urgency of filling the position; and

10. The salaries typically paid outside the Federal Government for similar positions.

C. The following apply to relocation incentives:

1. The employee is to have a Fully Successful or higher performance rating in order to receive a relocation incentive; and

2. Relocation incentives are not paid in lieu of reimbursing employees for relocation expenses under the Federal Travel Regulation.

III. SUBMISSION AND APPROVAL

A. The requesting program official contacts OHR and prepares a written request and a completed AD-1073, *Recommendation and Approval of a Recruitment/Relocation Bonus or Retention Allowance* form and submits it to OHR. OHR receives the initial request and sends it either to the FSIS Administrator or Secretary of Agriculture, depending on the type of appointment, for final approval. Requests are to include the following:

1. Position title, series, grade, organization and duty station location;

2. Amount requested, including the rationale for the amount;

3. Justification outlining the difficulty expected or previously experienced in filling the job without the use of an incentive; and

NOTE: OHR may include additional documentation to help support the request.

4. Recommended length of the service agreement (see paragraph IV. A.) and the justification for that timeframe.

B. The FSIS Administrator exercises mission-area level approval authority for recruitment and relocation incentives for GS and WG positions. If the Administrator approves the request, it is sent to OHRM for final approval. The Secretary of Agriculture retains the authority to review and approve payment of recruitment and relocation incentives for employees appointed to:

1. SL, scientific, or professional positions paid under 5 U.S.C., Section 5376;

2. SES positions paid under 5 U.S.C., Section 5383; and

3. Positions under the Executive Schedule established under 5 U.S.C., Section 5376 or positions for which the rate of pay is fixed by law, equal to the rate for the Executive Schedule.

IV. SERVICE AGREEMENTS

A. Before a recruitment or relocation incentive can be paid, the employee is to sign both forms AD-1074, *Service Agreement for Receipt of Payment for a Recruitment/Relocation Bonus*, and FSIS Form 4451-15, *Service Agreement for Receipt of Payment for a Recruitment/Relocation Incentive* (forms can be found on the FSIS Intranet), making a commitment to complete a specified number of months of employment in FSIS. For relocation incentives, employees are to complete a service agreement in the location of the new duty station.

B. The length of the service agreement may be as short as six months or a long as four years for recruitment and relocation incentives. Service agreements are to begin on the first day of a pay period and terminate on the last day of a pay period.

C. A copy of the service agreement is maintained in the employee's Electronic Official Personnel File (eOPF) for the length of the agreement. The service agreement is to specify the total amount of the incentive, the method of payment, and the timing and amounts of each incentive payment.

D. The requesting official is to justify the length of the service agreement. The criteria that influence the length of the service agreement include:

1. Training and orientation time needed for full productivity;

2. Exceptional labor-market competition;

3. Nature of work;

4. Retention concerns; and

5. Time needed to complete the incentive payments. For example, when an employee receives a recruitment incentive involving four annual lump-sum payments, the length of the service agreement is to be four years to cover the timeframe for which the incentive is paid.

V. PAYMENT

A. A recruitment or relocation incentive may be up to 25 percent of the annual rate of adjusted basic pay per employee per year, for up to four-years. The total amount paid is not to exceed 100 percent of the employee's adjusted basic pay at the beginning of the service period.

B. The incentive is to be paid by the following methods:

1. As an initial lump-sum payment at the commencement of the service period or before the employee enters on duty once the employee has signed a service agreement established under this plan;

2. In installments throughout the service period required by the service agreement;

3. As a final lump-sum payment upon the completion of the full service period required by the service agreement; or

4. A combination of these methods.

C. The incentive is not considered part of the employee's adjusted basic pay for any purpose. An employee's aggregate compensation, including the incentive, is not to exceed the rate payable for Level I of the Executive Schedule. The recruitment incentive amount paid is based on the grade level at which the employee entered on duty. Before a relocation incentive may be paid, the employee is to have established residence in the new commuting area.

VI. REPAYMENT

A. An employee who fails to complete the employment period established under a service agreement is indebted to the Federal Government and is to repay the recruitment or relocation incentive on a pro rata basis. OHR determines the amount to be repaid by providing credit for each full month of employment completed by the employee under the service agreement. Failure to fulfill the service agreement occurs when the employee's service with FSIS voluntarily terminates before the completion of the service agreement, when the employee is demoted or separated for cause, or when the employee receives a performance rating of less than fully successful.

B. In accordance with FSIS Directive 4338.1, *Training as a Condition for Employment,* new employees who are serving under a probationary period and who fail to satisfactorily complete necessary training by attaining a passing grade are removed from Federal service and are to repay any recruitment incentive on a pro rata basis.

C. FSIS recovers amounts owed from the employee according to FSIS Directive 3730.1, *Recovery of Employee Indebtedness*.

D. Repayment provisions do not apply when an employee:

1. Fails to fulfill the service agreement because the employee is involuntarily separated due to a written determination by the FSIS Administrator stating that it is necessary to relocate the employee to a position in a different commuting area, or because of a work reduction or reduction-in-force action;

2. Is promoted or reassigned to a position in FSIS that has a documented full performance level above the employee's current full performance level. The employee is to repay the

pro rata payment for the remaining service agreement period if the employee fails to complete the remainder of the service agreement with FSIS while in the position with greater promotion potential; or

3. Meets other criteria outlined in the service agreement that indicate that repayment provisions do not apply.

VII. WAIVER OF REPAYMENT

The Office of the Chief Financial Officer (OCFO), Financial Management Division (FMD) Director, in accordance with FSIS Directive 3730.2, *Waiver of Claims Against Employees Arising from Erroneous Payments of Pay and Allowances*, may waive, in whole or in part, a right of recovery of an employee's debt, if the OCFO Budget Division, determines that recovery would be against equity, good conscience, or public interest. To request a waiver, the employee is to submit a request through OHR as outlined in FSIS Directive 3730.2 to the Director, FMD, for approval.

CHAPTER 3 - RETENTION INCENTIVES

I. GENERAL

A retention incentive may be paid to a current FSIS employee if one of the following applies:

1. FSIS determines that the unusually high or unique qualifications of the employee or a special need of FSIS for the employee's services makes it essential to retain the employee, and that the employee would be likely to leave the Federal service in the absence of a retention incentive; or

2. FSIS has a special need for the employee's services that makes it essential to retain the employee in the employee's current position during a period of time before the closure or relocation of the employee's office, facility, activity, or organization, and the employee would be likely to leave for a different position in the Federal service in the absence of a retention incentive.

II. CRITERIA

A. A retention incentive is based on a written determination from OHR that the Agency has a special need for the employee's services or the employee's unusually high or unique qualifications make it essential to retain the employee.

B. The Administrator uses the following factors to determine whether a retention incentive is to be paid and, if paid, the amount of the incentive:

1. Employment trends and labor market factors such as availability and quality of candidates who possess the competencies required for the position and who, with minimal training, cost, or disruption of service to the public, could perform the full range of duties and responsibilities at the current performance levels;

2. The success of recent efforts to recruit candidates and retain employees in the same or comparable positions, where competencies similar to those possessed by the employee are required;

3. Special or unique competencies required for the position;

4. Agency efforts to use non-pay authorities, such as special training and work scheduling flexibilities or improving work conditions, to help retain the employee instead of or in addition to a retention incentive;

5. The desirability of the duties, work organizational environment, or geographic location of the position;

6. A written description of the extent to which the employee's departure would affect FSIS's ability to carry out an activity or complete a project deemed essential to the FSIS mission;

7. The salaries typically paid outside the Federal Government; and

8. Other supporting factors.

C. An employee must complete one year of continuous service with FSIS before he or she is eligible to receive a retention incentive.

D. Eligible employees are to maintain a Fully Successful or higher performance rating.

III. SUBMISSION AND APPROVAL

A. The requesting program official contacts OHR and completes a written request for a retention incentive and submits it with an SF-52, *Request for Personnel Action* to OHR (a second SF-52 is to be submitted 2 pay periods before the termination of the incentive). OHR is to review the package for completeness and approves or denies the request. The request is to include a justification outlining:

1. The unusually high or unique qualifications of the employee, the special need that FSIS has for the employee's services (e.g., the employee would be difficult to replace because there are few individuals in the job market with these qualifications, the position is a shortage or hard-to-fill occupation, or the employee is performing a special project that could be significantly hampered if the employee left);

2. The extent to which the employee's departure would affect FSIS;

3. A written determination from the requesting program official that the employee is likely to leave Federal service if a retention incentive is not provided (e.g., job offer, employee is eligible for retirement);

4. A timeline for the project's completion if the employee is involved in a particular assignment or project that is critical to FSIS. If the employee is planning to leave the Federal Government to retire, the request must address plans for developing others in a backup role or other strategies for staffing behind the employee;

5. The employee's name, position title, series, grade, step, organization, and duty station location;

6. The amount requested (up to 25 percent of an employee's adjusted basic pay) including rationale for the amount, frequency, and length of payments (e.g., biweekly payments for one year).

B. OHR makes a recommendation and obtains approval using an AD-1073 form. Retention payments for GS employees must receive the concurrence of the FSIS Administrator, and the approval of the Assistant Secretary for Administration. Retention payments for SL and career SES employees require concurrence from the FSIS Administrator and final approval by the Secretary of Agriculture. The approved paperwork is returned to OHR for processing and placement in the employee's eOPF.

IV. PAYMENT

A. A retention incentive:

1. Is calculated as a percentage of the employee's adjusted basic pay and is paid biweekly. No service agreement is required;

2. Can be up to 25 percent of the employee's adjusted basic pay; and

3. Cannot be authorized if the employee's aggregate compensation exceeds the rate payable for Level I of the Executive Schedule.

B. Except as provided in this paragraph, the retention incentive remains a constant percent during the period covered by the approval. Incentives are automatically recalculated whenever there is a change in pay.

V. CONTINUATION, REDUCTION, OR TERMINATION

A. **Continuation**. Payment of a retention incentive may continue as long as the conditions giving rise to the original determination to pay the incentive still exist. On an annual basis, OHR is to review the initial determination to pay an incentive to determine whether the payment is still warranted. The approving official certifies the determination in writing. The program office submits a request to OHR outlining the reasons why it is necessary for FSIS to continue paying the retention incentive, using the criteria outlined in Chapter 3, paragraph III. A new SF-52 is not required. The justification should highlight the following:

1. If the position held by the employee is in a shortage location or is a hard-to-fill position, or job market conditions continue to be unfavorable to FSIS, the requesting program official is to provide supporting documentation of this situation. The requesting program official is to note recent unsuccessful attempts to advertise and fill similar positions; and

2. If the employee is performing a particular project or assignment critical to the Agency's mission, the requesting program official is to outline an updated timeline for the project's completion and the reasons for any changes in that timeline. In addition, if the employee plans to leave Federal service to retire, the requesting program official is to describe what steps have been taken to develop others in a backup role or staff behind the employee.

B. **Discretionary Reduction or Termination**. FSIS may terminate or reduce a retention incentive solely based on management needs. The requesting program official should notify OHR that there is a need to reduce or terminate the retention incentive (pay change). The requesting program official submits the SF-52 to terminate the incentive to OHR. OHR is to notify the employee in writing when a retention incentive payment is terminated. Employees cannot appeal a decision to terminate or reduce a retention incentive. Reasons for reducing or terminating the incentive include:

1. The employee no longer requires the amount of the incentive to continue to work for FSIS;

2. Labor-market factors make it more likely (or reasonably likely) that FSIS will be able to recruit a candidate with qualifications similar to those possessed by the employee;

3. FSIS's need for the employee's services has been reduced to a level that makes it unnecessary to continue payment at the level originally approved (or at all); and

4. Budgetary considerations make it difficult to continue payment at the level originally approved (or at all).

C. **Mandatory Termination.** OHR is to terminate a retention incentive if the employee:

1. Is demoted or separated for cause (e.g., unacceptable performance or conduct);

2. Receives a performance rating below Fully Successful; or

3. Leaves the position covered by the retention incentive.

CHAPTER 4 - PAYMENT OF TRAVEL AND TRANSPORTATION EXPENSES FOR NEW APPOINTEES AND PRE-EMPLOYMENT INTERVIEWS

I. GENERAL

FSIS may pay for travel and transportation to the first post of duty for new appointees or for pre-employment interviews depending on labor market conditions. A decision that payment is appropriate for a particular position or applicant does not require the same decision in connection with future vacancies.

II. ELIGIBILITY

New appointees to Federal service may be eligible for payment of first post of duty travel expenses. Applicants for FSIS positions may be eligible for payment of travel expenses to attend a pre-employment interview.

III. CRITERIA

The requesting program official is to consider the following factors when deciding whether to pay travel and transportation expenses to the first post of duty or travel expenses for pre-employment interviews:

1. Availability of funds;

2. Difficulty attracting candidates to a position or a hard-to-fill geographic location;

3. Desirability of conducting face-to-face interviews to assess the competencies of candidates;

4. Desirability of offering to pay first post of duty expenses to entice a candidate to accept the position; and

5. Other recruitment flexibilities being offered (e.g., recruitment incentive and repayment of student loans. See FSIS Directive 4537.1, *Repayment of Student Loans Program*).

IV. PAYMENT

For new appointees, only actual costs incurred as a result of the employee's travel and the transportation of household goods to the first post of duty are payable. Payments may not cover home sale transactions, temporary quarters, or house-hunting trips. For pre-employment interviewees, only actual travel costs incurred are payable. (See FSIS Directive 3820.1, *Relocation Allowances for FSIS Employees* for additional information.)

V. REVIEW AND APPROVAL

A. The requesting program official prepares FSIS Form 3530-11, *Payment of Travel and Transportation Expenses* (form can be found on the FSIS Intranet), and submits it to OHR.

B. OHR approves or denies requests for first post of duty expenses and approves or denies requests for travel expenses for pre-employment interviews. The requesting program official submits first post of duty and pre-employment interview requests to OHR that include the following:

1. Employee's name, position title, series, and grade;

2. Organization and duty station location;

3. Method of appointment:

    a. For a pre-employment interview, indicate the recruitment source (e.g., vacancy announcement or certificate of eligibles); and

    b. For first post of duty expenses for a new appointee, indicate the nature of the action (e.g., reinstatement or career-conditional appointment).

4. Justification outlining:

    a. The rationale for the decision or the difficulty expected or experienced in filling the job if payment of expenses to the first post of duty is not used; and

    b. The criticality of the job and necessity for face-to-face interviews.

CHAPTER 5 - SUPERIOR QUALIFICATIONS APPOINTMENTS

I. GENERAL

OHR may set the rate of adjusted basic pay of a newly appointed employee at a rate above the minimum rate of the appropriate grade because of the superior qualifications of the candidate or a special need of FSIS for the candidate's services. For reinstatement eligibles or current Federal employees, FSIS may consider the use of highest previous pay rate (see FSIS Directive 4530.3, *Salary Rate Determinations for GS Employees*).

II. ELIGIBILITY

New GS and WG appointees to the Federal Government, who have superior qualifications as defined in this directive, may be eligible for a higher rate of adjusted basic pay. OHR can authorize superior qualifications for a permanent or temporary position in either the competitive or the excepted service.

III. CRITERIA

OHR can make superior qualifications appointments based upon:

1. The existing pay or unusually high or unique qualifications of the candidate; and

2. A special need for the candidate's services. "Special need" requires the candidate to bring a knowledge or skill of exceptional value to the Agency that is directly related to the successful achievement of program goals.

IV. REVIEW AND APPROVAL

A. The requesting program official prepares a written request to make a superior qualifications appointment and submits it to OHR for approval. The request is to include the following:

1. Employee's name, position title, series, grade, organization, and duty station location;

2. Documentation that shows the applicant meets the "superior qualifications" criteria to warrant an advanced rate of pay. The applicant is to possess outstanding or high qualifications (clearly above that of other applicants), or requesting program official needs to show that there is a special need for the candidate's particular knowledge or skills; and

3. Required justification to support the higher step offered is outlined in 5 CFR 531.212. Some examples are:

    a. The applicant's current salary;

    b. Other bona fide private sector job offers that the applicant received during the announcement period;
    c. Job market conditions (e.g., salaries for the occupation in the geographic location of the position);

    d. The reasons for authorizing an advanced rate instead of or in addition to a recruitment incentive. Offering a recruitment incentive and the payment of first post of duty travel may not be sufficient in a competitive job market and an advanced rate may be needed instead of or in addition to a recruitment incentive. The documentation should reflect how the recruitment incentive was considered. OHR may also attach additional written documentation to support the request.

    e. A copy of the candidate's application or resume; and

    f. A copy of the vacancy announcement.

B. If a candidate is retired and has no other bona fide job offers, typical salaries for those with similar backgrounds in the geographic area may be considered.

NOTE: The candidate's salary prior to retirement by itself is not a sufficient justification to support the higher step offered. The selecting official may consider the salary that the candidate would receive upon return to the workforce.

C. If the candidate has superior qualifications and is making a higher salary or has another bona fide job offer, the requesting program official is to obtain the candidate's pay stub, an offer letter, or other documentation that supports the use of a superior qualifications appointment. If the requesting program official uses market conditions to set the advanced rate, he or she is to attach (or provide) the information on which the rate is based. The documentation should include such information as Department of Labor statistics, job advertisements in newspapers, information from Web sites that track job markets, and survey information from occupational associations. Requesting program officials are to be aware that pay may be set two steps above the salary or offer, which would be a promotion equivalent.

CHAPTER 6 – PHYSICIANS' COMPARABILITY ALLOWANCE (PCA)

I. GENERAL

5 CFR Part 595 authorizes payment of special allowances to enhance recruitment and retention of physicians. A PCA can be used only to solve severe recruitment and retention problems. Agencies can enter into agreements that require the physicians to complete a specified period of service in return for payment of an allowance.

II. ELIGIBILITY

A. The USDA PCA Plan describes several categories of physicians who are eligible for PCAs. In FSIS, eligible physicians include those who perform work associated with planning, formulating, and establishing public health programs aimed at controlling the incidence of foodborne disease linked to the consumption of meat, poultry, and egg products. All of these positions are in Series 0602. This includes persons serving on permanent or temporary appointments of at least one year in the GS, SL, or SES.

B. Physicians employed less than 40 hours per pay period or on an intermittent basis are excluded from receiving PCAs.

C. Physicians who entered Federal service after October 26, 1978, are ineligible for PCAs if they are:

1. Receiving allowances on the basis of either their expertise in a medical specialty or their agreement to serve in a designated shortage area;

2. Reassigned for a period exceeding one year to positions that do not require the primary use of the medical specialty, or when the majority of health care services they provide are outside the designated shortage area;

3. Retired members of the uniformed services or members who resign or deactivate their commissions;

NOTE: OHR may grant exceptions based on documented evidence that failure to grant the exception would result in a loss of an eminently qualified physician urgently needed to fill a position.

4. Repaying Federally supported loans and would have the loan repayment amount deducted from any allowance; or

5. Fulfilling a service obligation as a result of a Government scholarship.

III. PAYMENT

A. The maximum per annum PCA authorized is $14,000 for physicians with less than 24 months of creditable Federal service, and $30,000 for physicians with 24 or more months of Federal service.

B. An Agency physician is to meet two or more of the criteria below to be eligible for the maximum PCA of $30,000:

1. Performed work that has materially and measurably improved the health outcomes of the target population;

2. Performed work that has substantially improved policy development or made a significant scientific or regulatory advancement;

3. Achieved substantial, documented efficiencies in the design or implementation of projects to maximize health care quality and better serve beneficiary needs; and

4. Demonstrated exemplary performance in mission-specific areas evidenced by two or more consecutive years of Outstanding performance ratings.

IV. SERVICE AGREEMENT

Physicians occupying positions that are certified to require a physician, have documented recruitment and retention problems, and have been authorized by the appropriate Agency official for receipt of allowances, are to sign an agreement for one or two years of service.

V. REVIEW AND APPROVAL

A. The requesting program official should submit a written recommendation for a PCA and send it to OHR. OHR will prepare a formal request and send it to the FSIS Administrator for approval.

B. The FSIS Administrator will consider the request based on the following:

1. Evidence such as vacant positions, an unacceptably high turnover rate, significantly higher salaries in the open labor market, or other positive evidence that indicates FSIS is unable to recruit and retain physicians;

2. The qualification requirements for the position;

3. FSIS's efforts to recruit qualified candidates for any vacant positions and to retain physicians presently employed; and

4. The lack of availability of a sufficient number of qualified candidates to fill the existing positions at the pay rate FSIS can offer if no comparability allowance is paid.

VI. TERMINATION

A. A PCA is terminated when any of the following occurs:

1. Cessation of employment;

2. Any period of absence without leave or suspension from work;

3. Assignment to a position excluded from PCA coverage or not approved for a PCA;

4. Completion of the service agreement or the enactment of superseding law; or

5. A change in tour of duty to less than 40 hours per pay period or to an intermittent tour of duty.

B. Physicians granted Leave Without Pay (LWOP) while under a service agreement will have their allowance payments terminated during the period of absence. The dates specified in the agreement are unaffected. Payments of a prorated amount of the allowance under the unexpired portion of the agreement resume upon return to the same position. No part of the LWOP may be counted toward meeting the 24-month Federal service requirement used in determining subsequent allowance levels.

VII. REPAYMENT

A. Physicians who, voluntarily or because of misconduct, fail to complete at least one full year of service in a position entitling them to an allowance, are to refund to the Federal Government the entire amount of the allowance received.

B. Physicians who fail to complete the second year of a two-year agreement in a position entitling them to an allowance are to refund the amount of the allowance received for the 26 weeks of service immediately preceding the termination.

C. Physicians who fail to complete the service period, because they moved to positions outside the Food Safety mission area that initiated the PCA, are subject to the repayment provisions.

VIII. WAIVER

The FSIS Administrator may waive repayment when the physician's failure to complete the period of service is the result of circumstances beyond the physician's control.

CHAPTER 7 - REPAYMENT OF STUDENT LOANS AND CREDITABLE SERVICE FOR ANNUAL LEAVE ACCRUAL

I. GENERAL

A. The Repayment of Student Loans Program is used to recruit and attract candidates to hard-to-fill positions or candidates with unique or highly desirable skills to Federal service. It can also be used to help retain employees who would likely leave the Federal Government and either possess high qualifications or perform a function or service essential to the FSIS mission. Refer to FSIS Directive 4537.1, *Repayment of Student Loans Program* for additional information.

B. Creditable service for annual leave is another incentive available to attract candidates to hard-to-fill positions or candidates with unique or highly desirable skills to the Federal service. Refer to FSIS Directive 4630.7, *Creditable Service for Annual Leave Accrual* for additional information.

II. QUESTIONS

Refer questions regarding this directive to the FSIS Office of Human Resources.

Assistant Administrator
Office of Policy and Program Development